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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,210	10/24/2005	Denis Paquette	6461-04	8260
58388 7590 10/14/2010 GOWAN INTELLECTUAL PROPERTY 1075 NORTH SERVICE ROAD WEST SUITE 203 OAKVILLE, ON L6M-2G2 CANADA			EXAMINER BRADFORD, CANDACE L	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 10/14/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,210

Applicant(s)

PAQUETTE, DENIS

Examiner

CANDACE L. BRADFORD

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8, 12, 13, 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8, 12, 13, 15, 17, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 3 recites the limitation "said accessory" in line 2; Claim 6 recites the limitation "said accessory" in line 2 ; Claim 8 recites the limitation "said accessory" in line 2; Claim 13 recites the limitation "said accessory" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is unclear to the examiner if the applicant is referring to the variety of accessories or the plurality of accessories as claimed in claim 17. Appropriate clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

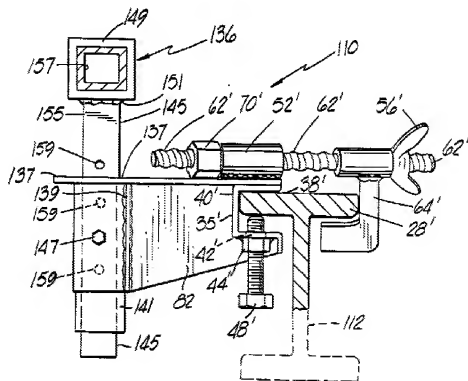
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Cole et. al. (6173809). Cole et. al. discloses a base rod 52,82 having a fixed C-shaped or V-shaped attachment bracket 35 attached to said base rod, a threaded locking rod 62 which is essentially parallel to said base rod, and which is operatively connected to a moveable C-shaped or V-shaped attachment bracket 64, and a crank 56 connected to one end of said locking rod, so that turning of the crank results in relative movement of said moveable attachment bracket towards, or away from, said fixed attachment bracket, and thereby grasp or release an I-beam frame member 12, within said C-shaped or V-shaped attachment brackets and thus, temporarily affix said base rod to a

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frame member at least one opening in said base rod acting as a first mounting device 22, for receiving and releasably attaching at least one of a variety of accessories to said base rod, wherein said accessories are removable, interchangeable devices which can be added or removed from said first mounting device, and which accessory is attached to said first mounting device using a lock pin 20b, at least one attachment clip 18b, attached to said base rod to which a rope or cable 14b can be connected; and a plurality of accessories each having a second mounting device adapted to be inserted into said opening of said first mounting attachment device, wherein said accessories are removable, interchangeable devices which can be added or removed from the first



mounting device.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Cole et. al. (6173809). Cole et. al. discloses comprises two releasable mounting devices 18a, 18b,

for receiving and attaching at least one of a variety of accessories 14b, to said base rod, as best seen in Figure 5.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Cole et. al. (6173809). Cole et. al. discloses a safety restraint device as claimed in Claim 17 wherein said accessory is a winch assembly, a ladder, a light, a sign, a radio, a handrail 14b, a platform, or a suspended platform

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Cole et. al. (6173809). Cole et. al. disclose an accessory, for use with a safety restraint device as claimed in Claim 17 comprising a winch assembly, a ladder, a light, a sign, a radio, a Handrail 14b, a platform, or a suspended platform.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et. al. (6173809) in view of Paterson (6036146). Cole et. al. as advanced above fails to disclose a winch assembly. Paterson teaches the utility of an accessory 19, comprises a winch assembly having a winch 37, a static line 11, operatively connected to the winch; and a mounting attachment for attaching said winch accessory to said releasable mounting device. The use of a winch assembly is commonly used in the art to tighten

the connection of the rods. Therefore, it would have been obvious to one of ordinary skill in the art to provide the safety system of Cole et. al. with a winch assembly as taught by Paterson so as to tighten the connection of the rods.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et. al. (6173809) in view of Paterson (6036146). Paterson further discloses a safety restraint device as claimed in Claim 3 wherein said winch comprises a locking mechanism 49, so that the static line 11, can be drawn tight using said winch 37, and maintained in a tightened condition, as best seen in Figure 1.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et. al. (6173809) in view of Paterson (6036146). Paterson further discloses a safety restraint device as claimed in Claim 4 wherein said locking mechanism 49, is a ratchet assembly, as best seen in Figure 2

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et. al. (6173809) in view of Paterson (6036146). Cole et. al. in view of Paterson fails to disclose a safety restraint device as claimed in Claim 17 wherein said accessory comprises 2 or 3 winch assemblies. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. Bemis Co., 193 USPQ 8. It is well known in the art that the number of winches required depends upon the number of base rods in the assembly.

Claims 13, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et. al. (6173809) in view of Paterson (6036146). Paterson further discloses an accessory as claimed in Claim 12 comprising a winch assembly, having a winch 37, a

static line 11, operatively connected to said winch, and having a mounting attachment for attaching said accessory to said safety restraint device

It is further obvious in view of the structure as advanced above to use the safety restraint system as claimed i.e., separately attaching a first safety restraint device to a first vertical frame member, mounting a winch assembly, extending a static line, turning a winch, and locking the static line, while producing no new and unexpected result.

Response to Arguments

Applicant's arguments filed 9/17/10 have been fully considered but they are not persuasive. The applicant's attention is drawn to page 6 of the remarks. The applicant states regarding claim 17 that the Cole reference does not mention the use of devices such as winches, radios, platforms, handrails, signs, ladder or the like, the applicant claims accessories but does not identify what the accessories are. The examiner would like to state that no where in claim 17 does the applicant claim a winch or the other accessories. The examiner would like to note that in claims 8 and 12 the applicant has claimed that ANY one of a winch, a ladder, a light, a sign, a radio, a handrail, a platform, or a suspended platform. It should be noted that the applicant is not claiming that only the winch is used, the examiner would like to point out that a handrail 14b as claimed is disclosed by Cole and it should also be noted that the applicant has not claimed how the accessory is used with the safety restraint in claims 8 or 12. The applicant states that Cole does not even mention being able to adjust the length of cables between the stanchions. The examiner would like to note that this feature was also not claimed in claim 17, only that the turning the crank results in movement of the bracket. The

applicant states that the Cole reference does not disclose the provision of a removable interchangeable device. The examiner would like to note that both the I-beam (interpreted as an accessory for claim 17) and the handrail (interpreted as an accessory for claim 8 and 12) are removeable by crank 56 and pins 20 respectively. It is unclear to the examiner which accessory the applicant is referring to the variety of accessories or the plurality of accessories as claimed in claim 17. Appropriate clarification is required. The applicant's attention is drawn to page 7 of the remarks. The applicant states the Cole reference is silent regarding the at least one opening in said base rod acting as a first mounting device, for receiving and releasably attaching at least one of a variety of accessories to the base rod. The examiner would like to note that base rod has a through hole/opening which receives the locking rod to allow an accessory to be releasably attached, as best seen in Figure 7. The applicant's attention is drawn to page 8 of the remarks. The applicant states the Cole reference does not disclose a winch assembly. The examiner agrees that the Cole reference does not claim a winch assembly, claim 8 does not require a winch assembly, only that the accessory is EITHER a winch, ladder, light, sign, radio, handrail, platform or suspended platform. The Cole reference as disclose above teaches the utility of a handrail. The applicant states that the examiner has erred in identifying element 14b as a handrail. The examiner would like to state that cable 14b as interpreted by the examiner is a rail/barrier which can be gripped by a user. The applicant's attention is drawn to page 9 of the remarks. The applicant states the Paterson reference is silent about the possibility of using one common stanchion for a wide variety of application. The

examiner would like to note that the applicant has only claimed that and ONE of the accessory as stated in claim 8 be used. The applicant states the Paterson reference does not teach a ratchet system. The examiner would like to state the use of a ratchet system is well known in the art and is taught in the specification (background of the invention) column 1, line 66. The applicant states that neither the Paterson or Cole references teach multiple winch assemblies. The would again like to state that it is well known in the art that the number of winches required depends upon the number of stanchions in assembly to allow for individual adjustment, as seen in 6131698, 6053281 and 5522472.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Candace L. Bradford/
Patent Examiner
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October 5, 2010